

Notice of Allowability

Application No.

10/820,042

Examiner

Gregory J. Strimbu

Applicant(s)

BARATIN ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 3, 2007 and the tele. int. of September 26, 2007.
2. ☒ The allowed claim(s) is/are 1-10, 12, 13 and 15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/26/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher W. Brody on September 26, 2007.

The application has been amended as follows:

In the claims:

claim 1,

line 1, changed "support and of" to --and--

line 2, changed "for mounting on the support that is to receive it" to --mounted on a support of said door--

line 4, changed "having" to --including-- and changed the first occurrence of "of" to --having a--

line 5, deleted the comma following "adhesive"

line 8, inserted --the mounting of the gasket on-- following "to" and deleted "wherein once the gasket has"

line 9, deleted "been mounted on the support,"

line 10, deleted "the gasket"

deleted line 11

line 12, deleted "interconnecting section,"

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line 13, changed "thereto" to --to said fixing portion at-- and changed "thereof" to --of said base portion--

claim 2,

line 2, deleted "is given a shape . . . fixing portion that"

line 3, changed "triangular, with" to --triangular in cross-section and has--

line 4, inserted --about-- following "to"

line 6, deleted "measured from its fixing portion"

claim 3,

line 2, deleted "between the two . . . portion of the"

line 3, deleted "gasket"

claim 5,

line 1, changed "a reduced" to --a height of said gasket changes no more than 2.5 mm between said free state and said deformed state--

deleted line 2

line 3, changed "no greater than 2.5 mm for a corner having a" to --when said-- and deleted "that"

line 4, changed "extending" to --said corner extends--

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claim 6,

line 1, changed "shape of" to --gasket includes--

line 2, deleted "interconnecting the two . . . portion of the"

deleted line 3

changed line 4 to --which facilitates positioning of the gasket on the support by a robot.--

claim 7,

line 3, deleted the first occurrence of "the" and deleted "in a corner of a small radius of curvature of"

line 4, deleted "the support receiving the gasket"

claim 8,

line 2, deleted "at least one of a thread or" and deleted "for providing"

deleted line 3

line 4, deleted "it is being put into place"

claim 9,

line 2, deleted "the" and changed "a" to --said--

claim 10,

line 2, changed "hinge-forming line of weakness formed" to --weakened area--

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canceled claim 11

claim 12,

line 3, changed the first occurrence of "a" to --said-- and deleted "having a small radius of curvature"

claim 13,

line 2, inserted --on-- following "drum," and inserted --in-- following "or"

Drawings

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In figure 3, include the reference character " α " to indicate the angle.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach the combination of a motor vehicle door and a sealing gasket wherein the gasket includes an elastically-deformable tubular portion having a non-deformed cross-section

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in a free state and a deformed cross-section in a deformed state which is due to the mounting of the gasket on the at least one corner of the support, the deformed cross section occupies an area which is substantially within that area occupied by the non-deformed cross-section, wherein the elastically-deformable portion includes a base portion which is connected to the fixing portion at only one end of the base portion. See claim 1, lines 6-13. Although references such as Kawai et al. '839 teach a sealing gasket which has substantially the same cross-sectional area in a free state and a deformed state and references such as Shields teach a sealing gasket having a cantilevered tubular portion, the references fail to teach the combination of the substantially same cross-sectional area in a deformed state and free state and a cantilevered tubular portion. It should be noted that a corner having a small radius of curvature has been defined on lines 17-20 of page 5. Finally, the deformed cross-section occupying an area which is substantially within that area occupied by the non-deformed cross section requires a loss of height of the gasket of no more than 2.5 mm as set forth lines 33-34 of page 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

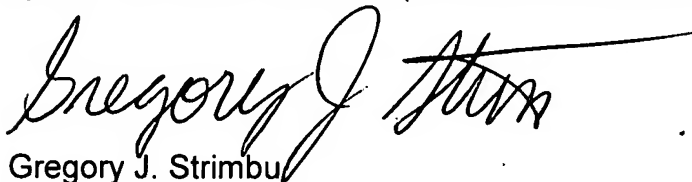
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-

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272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
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September 26, 2007